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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,073	06/07/2002	Theodorus Lambertus Hoeks	08CS5682-1	3895

23413 7590 10/25/2005

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EXAMINER

WOODWARD, ANA LUCRECIA

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,073

Applicant(s)

HOEKS ET AL.

Examiner

Ana L. Woodward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/22/2005
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948).
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1-22 are generic to a plurality of disclosed patentably distinct species comprising the various flame retardant materials. The election of an ultimate species of flame retardant is requested. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 112

3. Claims 2, 14, 17, 20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 6, “sodium or potassium *or* perfluorobutane” is indefinite as to scope and meaning.

In claims 2, 17, 20 and 22, line 7, the “and” at line 7 is queried.

In claim 14, line 5, it is unclear as to what is meant by “may be the same or different”.

Claim Rejections - 35 USC § 102/103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4, 6, 8-12, 15-17 and 19-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 4,289,685 (Druschke et al).

Druschke et al disclose a process for producing flame resistant polycarbonate compositions comprising:

compounding an aqueous solution of a flame retardant salt with a polycarbonate/organic solvent system using high-pressure homogenizers and devices.

The flame retardant salts include alkali, alkaline and transition metal salts of organic and inorganic acids. These salts can be incorporated in amount of 0.001 to 5% by weight, based on the total weight of polycarbonate and flame retardant salts. Table II evinces specific flame retardant salts recited in the present claims.

The disclosure of the reference meets the requirements of the above-rejected claims both in terms of the types of materials added and their contents. Accordingly, it is reasonable to

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presume that all limitations are satisfied by the reference. The onus is shifted to applicants to establish that the process of the present claims is not the same as or obvious from that set forth by the reference.

The use of conventional additives is within the disclosure of the reference (column 4, lines 64-68 and examples).

7. Claims 1-3, 5, 7-14 and 16-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 4,113,695 (Mark).

Mark discloses a process for producing flame resistant polycarbonate compositions having good optical properties comprising:

compounding an aqueous solution of a flame retardant salt with a polycarbonate by tumbling the ingredients together in a tumbler followed by extrusion (Tables I and II). The flame retardant salts include alkali and alkaline metal salts of organic acids. These salts can be incorporated in amount of 0.001 to about 2.0 parts, per hundred parts of polycarbonate. Tables I and II evince specific flame retardant salts recited in the present claims.

The disclosure of the reference meets the requirements of the above-rejected claims both in terms of the types of materials added and their contents. Accordingly, it is reasonable to presume that all limitations are satisfied by the reference. The onus is shifted to applicants to establish that the process of the present claims is not the same as or obvious from that set forth by the reference.

The use of conventional additives is within the disclosure of the reference (column 6, lines 29-35 and examples).

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8. Claims 1, 8-12, 15, 19 and 21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 4,600,742 (Higgins).

Higgins discloses flame retardant polycarbonate compositions comprising a minor amount (preferably up to about 10% by weight) of at least one metal sulfonate salt. Suitable preparatory processes include admixing the polycarbonate with the metal salt in the form of an aqueous solution by means of tumblers, mixers, etc (examples).

The disclosure of the reference meets the requirements of the above-rejected claims both in terms of the types of materials added and their contents. Accordingly, it is reasonable to presume that all limitations are satisfied by the reference. The onus is shifted to applicants to establish that the process of the present claims is not the same as or obvious from that set forth by the reference.

Claim Rejections - 35 USC § 103

9. Claims 3, 5, 7, 11, 13, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,289,685 (Druschke et al) in combination with U.S. 4,113,695 (Mark), both described hereinabove.

While Druschke et al do not expressly exemplify or disclose the specific flame retardant salts of the above claims, it is believed that the general disclosure of the reference with respect to the use of any alkali, alkaline and transition metal salt of organic and inorganic acids implicitly embraces said salt species. In this regard, attention is directed to the Mark reference evincing that said flame retardants are conventionally known in the art. Furthermore, as per Mark, it would have been obvious to employ a combination of water and alcohol in the aqueous

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solution of flame retardant. Accordingly, absent evidence of unusual or unexpected results, no patentability can be seen therein.

10. Claims 11, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,600,742 (Higgins) in combination with U.S. 4,113,695 (Mark), both described hereinabove.

As per Mark, it would have been obvious to employ a combination of water and alcohol in the aqueous solution of flame retardant. Accordingly, absent evidence of unusual or unexpected results, no patentability can be seen therein.

The use of conventional additives is within the disclosure of the reference (column 8, line 67 et seq.).

Response to Amendment

10. Applicant's amendments filed July 22, 2005 have been fully considered and are persuasive to the extent that the previous art rejections have been withdrawn.

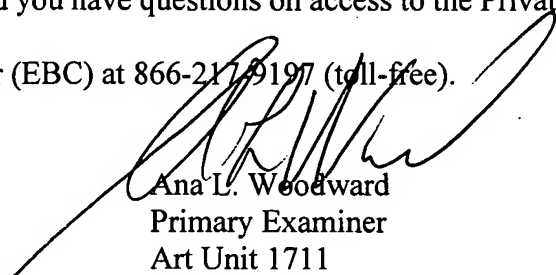
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ana L. Woodward
Primary Examiner
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